

AMENDED IN SENATE JULY 8, 1996

AMENDED IN SENATE JUNE 17, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2368

Introduced by Assembly Member Hauser
(Coauthor: Senator O'Connell)

February 16, 1996

An act to amend Section 73661 of, *and to add Article 3.5 (commencing with Section 26671) to Chapter 2 of Part 3 of Title 3 of*, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2368, as amended, Hauser. Humboldt County municipal courts.

(1) Existing law requires that sufficient court facilities be maintained in specified cities and towns within each division of the Humboldt County Municipal Court District, or in other locations as otherwise designated from time to time by the board of supervisors.

This bill would instead provide that the location of permanent court facilities and the locations where sessions of the court may be held other than in the county seat shall be as determined by the board of supervisors, as specified.

(2) *Existing law establishes the office of Marshal of Santa Barbara County and the department known as the Santa Barbara County Marshal's Office. That department is*

responsible for all court services for the municipal courts in that county.

This bill would authorize the Board of Supervisors of Santa Barbara County to, by ordinance, abolish the office of Marshal of Santa Barbara County and the department known as the Santa Barbara County Marshal's Office. The bill would authorize the consolidation of the services and personnel of the Santa Barbara County Marshal into the Santa Barbara County Sheriff's Department, as specified. The bill would also create the Court Services Oversight Committee effective upon that consolidation to advise the sheriff regarding court operations, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section
2 26671) is added to Chapter 2 of Part 3 of Title 3 of the
3 Government Code, to read:

4

5 Article 3.5. Santa Barbara County Sheriff-Marshal
6 Consolidation
7

8 26671. This article shall apply only to a county of the
9 17th class. It shall be known as the Santa Barbara County
10 Court Services Consolidation Act of 1996.

11 26671.1. Notwithstanding any other provision of law,
12 the Board of Supervisors of Santa Barbara County may, by
13 ordinance, abolish the office of Marshal of Santa Barbara
14 County and the Santa Barbara County Marshal's Office
15 and consolidate the services and personnel of the Santa
16 Barbara County Marshal into the Santa Barbara County
17 Sheriff's Department.

18 Upon the effective date of that consolidation
19 ordinance, Sections 74644.1, 74644.2, and 74644.5 shall
20 cease to be operative and this article shall become
21 operative and shall continue in full force and effect
22 during the period of consolidation.



1 Upon the effective date of that consolidation
2 ordinance, there shall be established within the Santa
3 Barbara County Sheriff's Department a unit designated
4 as the court services division. The Sheriff of Santa Barbara
5 County shall be responsible for the management and
6 operation of that unit, in accordance with this article.
7 Personnel assigned to the court services division shall
8 have all powers and shall perform all duties relating to
9 marshals and constables as set forth in Sections 71264 to
10 71269, inclusive.

11 26671.2. (a) All persons who, immediately preceding
12 the effective date of abolition of the marshal's office, are
13 assigned to the marshal's office in management,
14 administrative, supervisory, peace officer, clerical, and
15 other positions shall, on the effective date of the abolition,
16 be assigned to the sheriff's department in the same
17 classification, or if such classifications are not within the
18 department, a comparable classification; and no
19 probationary or permanent employee shall be laid off as
20 a result of the implementation of the abolition and
21 consolidation.

22 (b) No personnel of the marshal's office shall be
23 reduced in rank or salary, otherwise be demoted, or lose
24 peace officer status. Upon abolition and consolidation, all
25 county service of personnel assigned to the marshal's
26 office shall be counted toward county seniority.

27 (c) Clerical personnel described in subdivision (a)
28 shall become members of the court services division and
29 shall not be involuntarily transferred from the court
30 services division to any other division within the sheriff's
31 department.

32 (d) The incumbent marshal shall be assigned to the
33 classification of sheriff's commander and shall be in
34 charge of the court services division. One assistant
35 marshal shall be assigned to the classification of sheriff's
36 lieutenant and shall be assigned to the court services
37 division. The remaining assistant marshal position shall be
38 reclassified. Deputy marshals performing bailiff functions
39 shall be assigned to an equivalent classification in the
40 court services division and those deputy marshals shall

1 not be involuntarily transferred from the court services
2 division to any other division within the sheriff's
3 department.

4 (e) Notwithstanding any other provision of law, the
5 incumbent marshal, upon consolidation, shall be
6 reinstated as a member of the Santa Barbara County
7 Employees' Retirement System, and by the board of
8 supervisor's adoption of an ordinance abolishing the
9 office of marshal and consolidating the offices of sheriff
10 and marshal, Section 31680.7 relating to reemployment
11 after retirement shall be applicable to the incumbent
12 marshal.

13 (f) Personnel of the marshal's office shall be entitled to
14 request assignment to other divisions within the sheriff's
15 department which requests will be reviewed as any other
16 such request in the department. Acceptance of a
17 voluntary transfer by a deputy marshal shall invalidate
18 any right of reassignment to the court services division.
19 Any personnel action pursuant to this section shall be in
20 accordance with the personnel policies, memoranda of
21 understanding, and rules and procedures of the sheriff's
22 department and Santa Barbara County.

23 (g) No provision of this section shall be deemed to
24 restrict the authority of the sheriff to discipline any
25 employee in accordance with county personnel policies,
26 and memoranda of understanding, or rules and
27 procedures otherwise applicable, and except as otherwise
28 expressly provided in this section, the discretion of the
29 sheriff to assign, promote, direct, and control employees
30 formerly assigned to the marshal's office shall not be
31 deemed in any manner restricted by virtue of the
32 abolition or consolidation.

33 26671.4. Notwithstanding any other provision of law,
34 upon consolidation the sheriff shall provide to the
35 superior and municipal courts within Santa Barbara
36 County the following services:

37 (a) Court security services, including prisoner
38 transportation services, prisoner escort services, bailiff
39 services, courthouse and other security services, and the
40 execution of court orders and bench warrants requiring

1 *the immediate presence in court of a defendant or*
2 *witness.*

3 *(b) Notice and process services, including service of*
4 *summons, subpoenas, warrants, and other civil and*
5 *criminal process.*

6 *26671.5. (a) The sheriff shall provide, within the*
7 *limits of the resources at his or her disposal, those services*
8 *enumerated in Section 26671.4, to the superior and*
9 *municipal courts of at least as high a quality as were*
10 *provided preceding the abolition and consolidation. In no*
11 *event shall the resources committed to those services be*
12 *less than necessary for the proper functioning of the Santa*
13 *Barbara County Municipal and Superior Courts.*

14 *(b) Upon the effective date of consolidation, the*
15 *regular assignment of bailiffs to individual courtrooms*
16 *shall be made by the commander of the court services*
17 *division with the concurrence of the individual judicial*
18 *officer in whose courtroom the assignment is to be made.*

19 *26671.6. (a) Effective upon consolidation, there shall*
20 *be created a Court Services Oversight Committee*
21 *consisting of one judge from the North County to be*
22 *selected by the North Santa Barbara County Municipal*
23 *Court judges, one judge from the South County to be*
24 *selected by Santa Barbara Municipal Court judges, the*
25 *presiding judge of the superior court, and one judge to be*
26 *selected by the sheriff.*

27 *(b) Members of the Court Services Oversight*
28 *Committee shall serve for a term of two years, or as*
29 *otherwise designated by the appointing authorities.*

30 *(c) The duties of the Court Services Oversight*
31 *Committee shall be those prescribed by this article.*

32 *26671.7. (a) The Court Services Oversight*
33 *Committee shall advise the sheriff concerning the*
34 *operations of the courts services division, including, but*
35 *not limited to, those services enumerated in Section*
36 *26671.4, shall make recommendations to the sheriff*
37 *concerning policies and procedures affecting the*
38 *operations of the court services division, and shall review*
39 *court security plans and measures affecting the*
40 *operations of the court services division and make such*

1 *recommendations to the sheriff as the committee deems*
2 *appropriate.*

3 *(b) The sheriff shall consult with the Court Services*
4 *Oversight Committee before regularly assigning newly*
5 *hired personnel or transferring personnel into the court*
6 *services division.*

7 26671.8. *Nothing in this article shall be deemed in any*
8 *manner to limit or otherwise impair the legal power*
9 *vested by other laws, including Section 68073, in the*
10 *superior and municipal courts within Santa Barbara*
11 *County to secure proper provision of court-related*
12 *services.*

13 SEC. 2. Section 73661 of the Government Code is
14 amended to read:

15 73661. In order that the citizens of the county may
16 have convenient access to the court, the location of
17 permanent court facilities and locations where sessions of
18 the court may be held other than in the county seat shall
19 be as determined by the board of supervisors.

20 SEC. 2. This act shall not be construed as causing the
21 closure of the court facilities in the City of Fortuna except
22 upon specific action by the board of supervisors to that
23 effect.

